

# MEMORANDUM

December 20, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: RUBEN BAEZA, JR.  
Principal Deputy County Counsel  
Law Enforcement Services Division

LAURA INLOW, ESQ.  
Lewis Brisbois Bisgaard & Smith LLP

RE: **Jamal Johnson v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 331948**

DATE OF  
INCIDENT: September 5, 2004

AUTHORITY  
REQUESTED: \$150,000

COUNTY  
DEPARTMENT: Sheriff's Department

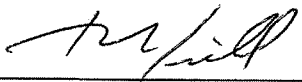
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## CLAIMS BOARD ACTION:

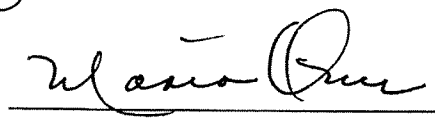
☐ Approve

☐ Disapprove

☒ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on December 27, 2006

## SUMMARY

This is a recommendation to settle for \$150,000, a lawsuit filed by Jamal Johnson against the County of Los Angeles and several Sheriff's Deputies, alleging violation of civil rights, false arrest, and assault and battery.

## LEGAL PRINCIPLES

A public entity is responsible for the intentional and wrongful acts of its employees when the acts are committed in the course and scope of employment.

A public entity and its employees may also be held liable for the violation of an individual's federal civil rights when its employees make an arrest without probable cause, and use excessive force to make an arrest.

If a violation of civil rights is established, a prevailing plaintiff is entitled to an award of reasonable attorneys' fees.

## SUMMARY OF FACTS

On September 5, 2004, 25-year-old Jamal Johnson, while on probation, arrived at the Men's Central Jail with family members to notify an incarcerated relative of a death in the family. Mr. Johnson was inside the visitors' lobby, and Sheriff's Deputies saw that he was in possession of a cell telephone. The Deputies asked Mr. Johnson several times to take the cell phone outside and store it, since cell phones are not allowed in the lobby area. Mr. Johnson did not comply with the request and instead walked away from Deputies. The Deputies approached Mr. Johnson and escorted him outside the lobby, and told him that he could not visit his relative or return to the lobby that day.

Mr. Johnson, nevertheless, later regained entry to the lobby area. He was observed by Deputies, who approached him to find out why he had disregarded their directive. Mr. Johnson stated that a Sergeant outside in the courtyard area of the visitors' lobby had given him permission to enter the lobby. The Deputies indicated they would confirm Mr. Johnson's representations.

Mr. Johnson was escorted outside the lobby area, where a Deputy asked him to face a wall so he could conduct a brief pat down search for safety reasons. Mr. Johnson complied, but then suddenly turned and struck a Deputy in the chest with his elbow. A physical altercation ensued between Mr. Johnson and five Deputies, who used verbal commands, physical force and OC spray in an effort to gain control of Mr. Johnson.

Mr. Johnson was eventually handcuffed and arrested for battery on a peace officer. He was transported to LAC+USC Medical Center, where he was hospitalized in the jail ward for several days.

The District Attorney's Office did not prosecute Mr. Johnson. However, he was found to be in violation of the terms of his probation.

## DAMAGES

Mr. Johnson is claiming significant physical injuries to his neck and back, as well as emotional injuries. The County does not dispute that Mr. Johnson received some injuries as a result of the altercation. However, medical experts retained by the County, along with Mr. Johnson's medical records, do not substantiate the extent of injuries he is claiming.

The potential damages, should this matter proceed to trial, could be as follows:

Medical Expenses	\$ 54,914
Emotional Distress	\$ 100,000
Lost Wages	\$ 5,250
Bail	\$ 5,000
Personal Property	\$ 200
Attorney Fees	<u>\$ 250,000</u>
Total	<u>\$ 415,364</u>

The proposed settlement calls for the County to pay \$150,000 to Jamal Johnson for all of his claims for damages, costs and attorneys' fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this matter are attorneys' fees of \$103,879 and \$31,037 in costs. The fees and costs are relatively high due the plaintiff's initial settlement demand of \$965,000 which required our attorneys to fully prepare the case for trial. Medical experts were retained to evaluate Mr. Johnson's medical condition, and a liability expert was retained to evaluate the use of force issues. Not until the case was prepared for trial was this proposed settlement reached.

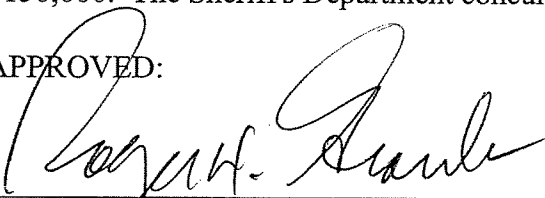
## EVALUATION

This is a case of disputed liability. Mr. Johnson was uncooperative from the outset of his contact with Sheriff's Deputies. He initiated the physical altercation once he was escorted outside the visitor's lobby area so that Deputies could confirm his story that a Sergeant had given him permission to re-enter the lobby. However, Mr. Johnson denies being uncooperative and denies using force against the Deputies. Further, a jury may conclude that the amount of force used by the Deputies was unreasonable.

A reasonable settlement at this time will save further litigation costs and avoid a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Lewis Brisbois Bisgaard & Smith LLP, in recommending a settlement of this matter in the amount of \$150,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RHG:RB:mp